

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**Case
28-CA-272390Date Filed
2/5/2021**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT			
a. Name of Employer Central New Mexico Electric Cooperative, Inc.		b. Tel. No. 505.847.1012	
		c. Cell No.	
		f. Fax No. 505.847.1042	
d. Address (Street, city, state, and ZIP code) P.O. Box 669 Moriarty, NM 87035	e. Employer Representative Suzy Edmonds, HR Manager		g. e-Mail suzy.edmonds@cnmec.org
			h. Number of workers employed 50+
i. Type of Establishment (factory, mine, wholesaler, etc.) Electric Co-op	j. Identify principal product or service Electricity		
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Within the past six months, the Employer has failed to bargain in good faith during wage-reopener negotiations for the 2021 calendar year contract. The Employer has failed to provide documentation in response to a Request for Information related to the Employer's claim that it cannot pay a higher wage because of the COVID-19 pandemic. Employer has also engaged in surface bargaining and regressive bargaining by linking a wage offer to a rate provided to non-bargaining-unit employees and by making the wage offer contingent on ratification before January 1, 2021, which continually reduces the wage offer as time passes in 2021 because such wage offer is not retroactive.			
3. Full name of party filing charge (if labor organization, give full name, including local name and number) International Brotherhood of Electrical Workers, AFL/CIO Local 611			
4a. Address (Street and number, city, state, and ZIP code) 4921 Alexander Blvd. NE, Suite 1 Albuquerque, NM 87107		4b. Tel. No. 505.343.0611	
		4c. Cell No.	
		4d. Fax No. 505.342.2990	
		4e. e-Mail	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) International Brotherhood of Electrical Workers			
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. 505.244.1200	
By <u>/s/ James A. Montalbano</u> (signature of representative or person making charge)		Office, if any, Cell No.	
James A. Montalbano, Attorney (Print/type name and title or office, if any)		Fax No. 505.244.9700	
900 Gold Ave. SW, Albuquerque, NM 87102		e-Mail james@youtzvaldez.com	
Address		(date) 2/5/21	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**PRIVACY ACT STATEMENT**Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 28
2600 North Central Avenue -Suite 1400
Phoenix, AZ 85004-3099

Agency Website:
www.nlr.gov
Telephone: (602)640-2160
Fax: (602)640-2178



Download
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February 9, 2021

International Brotherhood
of Electrical Workers, AFL/CIO Local 611
4921 Alexandria Boulevard NE, Suite A
Albuquerque, NM 87107

Re: Central New Mexico Electric
Cooperative, Inc.
Case 28-CA-272390

Ladies and Gentlemen:

The charge that you filed in this case on February 05, 2021 has been docketed as case number 28-CA-272390. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner Belinda Johnson whose telephone number is (505) 313-7218. The mailing address is PO Box 244, Albuquerque, NM 87103-0244. If this Board agent is not available, you may contact Deputy Regional Attorney David T. Garza whose telephone number is (505) 313-7217.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present

your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Cornele A. Overstreet", written in a cursive style.

Cornele A. Overstreet
Regional Director

cc: James A. Montalbano, Attorney at Law
Youtz & Valdez, P.C.
900 Gold Avenue, SW
Albuquerque, NM 87102

CAO/BJ/tmr



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 28
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Phoenix, AZ 85004-3099

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Fax: (602)640-2178



Download
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Mobile App

February 9, 2021

Central New Mexico Electric
Cooperative, Inc.
P.O. Box 669
Moriarty, NM 87035

Re: Central New Mexico Electric
Cooperative, Inc.
Case 28-CA-272390

Ladies and Gentlemen:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your

representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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February 9, 2021

format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

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Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



Cornele A. Overstreet
Regional Director

Enclosures:

1. Copy of Charge.
2. Commerce Questionnaire

CAO/BJ/tmr

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

International Brotherhood of Electrical Workers,

and

Central New Mexico Electric Cooperative, Inc.

CASE 28-CA-272390

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

Central New Mexico Electric Cooperative, Inc.

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Thomas L. Stahl, Esq.

MAILING ADDRESS: P.O. Box 1888, Albuquerque, New Mexico 87103

E-MAIL ADDRESS: tstahl@rodey.com

OFFICE TELEPHONE NUMBER: 505-768-7240

CELL PHONE NUMBER: _____ FAX: _____

SIGNATURE: _____

DATE: 02/19/2021 (Please sign in ink.)

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 28
2600 North Central Avenue
Suite 1400
Phoenix, AZ 85004-3099

Agency Website: www.nlrb.gov
Telephone: (602)640-2160
Fax: (602)640-2178

April 28, 2021

Thomas L. Stahl, Attorney at Law
Rodey Law Firm
PO Box 1888
Albuquerque, NM 87103

Central New Mexico Electric
Cooperative, Inc.
Case 28-CA-272390

Dear Mr. Stahl:

This is to advise that I have approved the withdrawal of the portion of the charge alleging that the Employer violated 8(a)(5) of the Act by engaging in surface bargaining and regressive bargaining. The remaining Section 8(a)(5) allegation alleging that the Employer failed and refused to provide information as requested by the Union, remains pending and subject to further processing.

Very truly yours,

/s/ Cornele A. Overstreet

Cornele A. Overstreet
Regional Director

cc: Central New Mexico Electric Cooperative, Inc.
P.O. Box 669
Moriarty, NM 87035

International Brotherhood of Electrical Workers, AFL-CIO Local 611
4921 Alexander Boulevard NE, Suite A
Albuquerque, NM 87107

James A. Montalbano, Attorney at Law
Youtz & Valdez, P.C.
900 Gold Avenue, SW
Albuquerque, NM 87102

CAO:BJ:mhz

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT

IN THE MATTER OF

CENTRAL NEW MEXICO ELECTRIC COOPERATIVE, INC.

Case 28-CA-272390

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS:**

POSTING OF NOTICE — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Party in English and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Party will then sign and date those Notices and immediately post them at 810 1 St, Moriarty, NM 87035. If the Employer's place of business is currently closed and a substantial number of employees are not reporting to the facility due to the Coronavirus pandemic or is operating with less than a substantial complement of employees, the 60 consecutive day period for posting will begin when the Employer's place of business reopens and a substantial complement of employees have returned to work. For purposes of this notice posting, a substantial complement of employees is at least 50% of the total number of employees employed by the Employer prior to closing its business due to the Coronavirus pandemic. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting.

COMPLIANCE WITH NOTICE — The Charged Party will comply with all the terms and provisions of said Notice.

SCOPE OF THE AGREEMENT — This Agreement settles only the allegations in the above-captioned case(s), including all allegations covered by the attached Notice to Employees made part of this agreement, and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to said evidence.

PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

Initials: Charging Party: _____ Charged Part (b) (6), (b) (7)(C) NLRB Reviewer: _____

Yes (b) (6), (b) (7)(C) No
(b) (6) Initials Initials

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director.

The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days' notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will issue a Complaint that includes the allegations covered by the Notice to Employees, as identified above in the Scope of Agreement section, as well as filing and service of the charge(s), commerce facts necessary to establish Board jurisdiction, labor organization status, appropriate bargaining unit (if applicable), and any other allegations the General Counsel would ordinarily plead to establish the unfair labor practices.

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

Charged Party CENTRAL NEW MEXICO ELECTRIC COOPERATIVE, INC.	Charging Party INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL/CIO LOCAL 611
By: Name and Title Date (b) (6), (b) (7)(C) 5.12.21 Print Name and Title below (b) (6), (b) (7)(C)	By: Name and Title Date Print Name and Title below
Recommended By: Date <i>Belinda Johnson</i> May 12, 2021 Belinda Johnson Field Examiner	Approved By: Date <i>Cornele A. Overstreet</i> 5/27/2021 CORNELE A. OVERSTREET Regional Director, Region 28

Initials: Charging Party: Charged Party: (b) (6), (b) (7)(C) NLRB Reviewer:

(To be printed and posted on official Board notice form)

THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT interfere with, restrain, or coerce you in the exercise of the above rights.

WE WILL NOT refuse to bargain in good faith with the International Brotherhood Of Electrical Workers, AFL/CIO Local 611 (Union) as the exclusive collective-bargaining representative of our employees in the following appropriate unit:

All employees in the bargaining unit Journeyman Lineman, Journeyman Mechanic, Journeyman Electrician, Staking Technician, Groundman, Warehouse Supervisor, Certified Mechanic, Engineering Tech, AMR Specialist, Administrative Assistant, Lead Meter Reader/Collector, Lead MSR, Lead Dispatcher, MSR/Clerk, Custodian, AMR Analyst, Dispatcher, Warehouseman, Meter Reader/Collector.

WE WILL NOT refuse to provide the Union with information that is relevant and necessary to its role as your bargaining representative.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act

WE WILL provide the Union with the information it requested on December 21, 2020 that pertains to the 2019 Rural Utility Service and sub-contracted work for 2019 and 2020.

WE WILL provide the Union with the information it requested on January 5, 2021 that pertains to the application for the Payroll Protection Program loan and the funds received through that program.

**CENTRAL NEW MEXICO ELECTRIC
COOPERATIVE, INC.**

(Employer)

Dated: _____ **By:** _____
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We (b) (6), (b) (7)(C) secret-ballot elections to determine

Initials: Charging Party: _____ Charged Party: _____ NLRB Reviewer: _____

whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-844-762-NLRB (1-844-762-6572). Hearing impaired callers who wish to speak to an Agency representative should contact the Federal Relay Service (link is external) by visiting its website at <https://www.federalrelay.us/tty> (link is external), calling one of its toll free numbers and asking its Communications Assistant to call our toll free number at 1-844-762-NLRB.

2600 North Central Avenue -Suite 1400
Phoenix, AZ 85004-3099

Telephone: (602)640-2160
Hours of Operation: 8:15 a.m. to 4:45 p.m.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the Centralized Compliance Unit at complianceunit@nrlb.gov.

Initials: Charging Party: ____ Charged Party: (b) (6), (b) (7)(C) NLRB Reviewer: ____

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT

IN THE MATTER OF

CENTRAL NEW MEXICO ELECTRIC COOPERATIVE, INC.

Case 28-CA-272390

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POSTING OF NOTICE — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Party in English and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Party will then sign and date those Notices and immediately post them at 810 1st, Moriarty, NM 87035. If the Employer's place of business is currently closed and a substantial number of employees are not reporting to the facility due to the Coronavirus pandemic or is operating with less than a substantial complement of employees, the 60 consecutive day period for posting will begin when the Employer's place of business reopens and a substantial complement of employees have returned to work. For purposes of this notice posting, a substantial complement of employees is at least 50% of the total number of employees employed by the Employer prior to closing its business due to the Coronavirus pandemic. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting.

COMPLIANCE WITH NOTICE — The Charged Party will comply with all the terms and provisions of said Notice.

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Initials: Charging Party:  Charged Party: _____ NLRB Reviewer: _____

Yes _____
Initials

No _____
Initials

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director. The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days' notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will issue a Complaint that includes the allegations covered by the Notice to Employees, as identified above in the Scope of Agreement section, as well as filing and service of the charge(s), commerce facts necessary to establish Board jurisdiction, labor organization status, appropriate bargaining unit (if applicable), and any other allegations the General Counsel would ordinarily plead to establish the unfair labor practices.

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Charged Party CENTRAL NEW MEXICO ELECTRIC COOPERATIVE, INC.	Charging Party INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL/CIO LOCAL 611
By: _____ Name and Title _____ Date _____	By: _____ Name and Title _____ Date 5/12/21
Print Name and Title below _____	Print Name and Title below James Martalbarro Attorney for Local 611
Recommended By: _____ Belinda Johnson Field Examiner	Approved By: _____ CORNELE A. OVERSTREET Regional Director, Region 28
Date May 12, 2021	Date _____

Initials: Charging Party:  Charged Party: _____ NLRB Reviewer: _____

(To be printed and posted on official Board notice form)

THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT interfere with, restrain, or coerce you in the exercise of the above rights.

WE WILL NOT refuse to bargain in good faith with the International Brotherhood Of Electrical Workers, AFL/CIO Local 611 (Union) as the exclusive collective-bargaining representative of our employees in the following appropriate unit:

All employees in the bargaining unit Journeyman Lineman, Journeyman Mechanic, Journeyman Electrician, Staking Technician, Groundman, Warehouse Supervisor, Certified Mechanic, Engineering Tech, AMR Specialist, Administrative Assistant, Lead Meter Reader/Collector, Lead MSR, Lead Dispatcher, MSR/Clerk, Custodian, AMR Analyst, Dispatcher, Warehouseman, Meter Reader/Collector.

WE WILL NOT refuse to provide the Union with information that is relevant and necessary to its role as your bargaining representative.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act

WE WILL provide the Union with the information it requested on December 21, 2020 that pertains to the 2019 Rural Utility Service and sub-contracted work for 2019 and 2020.

WE WILL provide the Union with the information it requested on January 5, 2021 that pertains to the application for the Payroll Protection Program loan and the funds received through that program.

**CENTRAL NEW MEXICO ELECTRIC
COOPERATIVE, INC.**

(Employer)

Dated: _____ **By:** _____
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine

Initials: Charging Party:  Charged Party: _____ NLRB Reviewer: _____

whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-844-762-NLRB (1-844-762-6572). Hearing impaired callers who wish to speak to an Agency representative should contact the Federal Relay Service (link is external) by visiting its website at <https://www.federalrelay.us/ity> (link is external), calling one of its toll free numbers and asking its Communications Assistant to call our toll free number at 1-844-762-NLRB.

2600 North Central Avenue -Suite 1400
Phoenix, AZ 85004-3099

Telephone: (602)640-2160
Hours of Operation: 8:15 a.m. to 4:45 p.m.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the Centralized Compliance Unit at complianceunit@nrlrb.gov.

Initials: Charging Party:  Charged Party: _____ NLRB Reviewer: _____

CERTIFICATION OF COMPLIANCE
(PART ONE)

RE: Central New Mexico Electric Cooperative, Inc.
Case 28-CA-272390

(If additional space is needed to provide a full response, attach a sheet(s) with the necessary information.)

Delayed Posting

Complete this section only and return to the Region if the Charged Party's place of business is currently closed or does not have a substantial complement of employees due to the Coronavirus Pandemic. For purposes of this notice posting, a substantial complement of employees is at least 50% of the total number of employees employed by the Charged Party prior to closing its business due to the Coronavirus pandemic. On a monthly basis, the Charged Party will be asked for updates on the status of the business.

I certify that the Charged Party's facility is currently closed/operating with a less than a substantial complement of employees. We anticipate reopening Respondent's facility/returning a substantial complement of employees back to work on _____. The Certification of Compliance below will be completed and returned to the Region shortly after the anticipated date above.

CHARGED PARTY/RESPONDENT

By: _____

Title: _____

Date: _____

Physical Posting

The signed and dated Notice to Employees in the above matter was posted on

(date) 6/3/2021 at the following locations: (List specific places of posting)

- 810 First Street, Moriarty, NM 87035 - posted on employee bulletin board in the employee breakroom.
- 301 N. Summit Ave., Mountainair, NM 87036 - posted on employee bulletin board in hallway near employee entrance.

June 1, 2021

I have completed this Certification of Compliance and state under penalty of perjury that it is true and correct.

CHARGED PARTY/RESPONDENT

By:

(b) (6), (b) (7)(C)

Title:

(b) (6), (b) (7)(C)

Date:

6.3.21

This form should be returned to the Centralized Compliance Unit. If the Certification of Compliance Part One and signed Notice is returned via e-file or e-mail, no hard copies of the Certification of Compliance Part One or Notice are required.



NOTICE TO EMPLOYEES



POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD AN AGENCY OF THE UNITED STATES GOVERNMENT

PURSUANT TO A SETTLEMENT AGREEMENT APPROVED BY A REGIONAL
DIRECTOR OR THE NATIONAL LABOR RELATIONS BOARD
AN AGENCY OF THE UNITED STATES GOVERNMENT

SECTION 7 OF THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:

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WE WILL provide the Union with the information it requested on January 5, 2021 that pertains to the application for the Payroll Protection Program loan and the funds received through that program.

**CENTRAL NEW MEXICO ELECTRIC
COOPERATIVE, INC.**

(Employer)

Dated: 6-3-21

By:

(b) (6), (b) (7)(C)

(Representative)

(b) (6), (b) (7)(C)

(Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: www.nlr.gov, and the toll-free number 844-762-NLRB (6572).

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

"This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced, or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the Centralized Compliance Unit at complianceunit@nlrb.gov."

CERTIFICATION OF COMPLIANCE
(PART TWO)

RE: Central New Mexico Electric Cooperative, Inc.
Case 28-CA-272390

Information Provided

On (date) 5/17/21, the Charged Party provided the Union with the information it requested on December 21, 2020 that pertains to the 2019 Rural Utility Service and sub-contracted work for 2019 and 2020. _____

On (date) 5/17/21, the Charged Party provided the Union with the information it requested on January 5, 2021 that pertains to the application for the Payroll Protection Program loan and the funds received through that program. _____

I have completed this Certification of Compliance and state under penalty of perjury that it is true and correct.

CHARGED PARTY/RESPONDENT

By: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)
Title: _____
Date: 6-3-21

This form should be returned to the Centralized Compliance Unit. If the Certification of Compliance Part Two and signed Notice is returned via e-file or e-mail, no hard copy of the Certification of Compliance Part Two is required.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 28
2600 North Central Avenue -Suite 1400
Phoenix, AZ 85004-3099

Agency Website: www.nlrb.gov
Telephone: (602)640-2160
Fax: (602)640-2178

August 5, 2021

BY EMAIL ONLY

Thomas L. Stahl, Attorney at Law
Rodey Law Firm
PO Box 1888
Albuquerque, NM 87103
tstahl@rodey.com

Re: Central New Mexico Electric Cooperative,
Inc.
Case 28-CA-272390

Dear Mr. Stahl:

The above-captioned case has been closed on compliance. Please note that the closing is conditioned upon continued observance of the informal Settlement Agreement.

Very truly yours,

/s/ **Miguel Rodriguez**

Miguel Rodriguez
Deputy to Assistant General Counsel

cc: Suzy Edmonds, HR Manager
Central New Mexico Electric
Cooperative, Inc.
810 First Street
P.O. Box 669
Moriarty, NM 87035
suzy.edmonds@cnmec.org

James A. Montalbano, Attorney at Law
Youtz & Valdez, P.C.
900 Gold Avenue, SW
Albuquerque, NM 87102
james@youtzvaldez.com

Mark Strand, Assistant Business Manager
International Brotherhood of Electrical
Workers, AFL-CIO Local 611
4921 Alexander Boulevard NE
Suite A
Albuquerque, NM 87107
mark@ibew611.org

CONFIRMATION OF 60-DAY POSTING

**Central New Mexico Electric Cooperative, Inc.
Case 28-CA-272390**

The Notice to Employees provided by the National Labor Relations Board in the above matter remained continuously and conspicuously posted for at least 60 days.

CHARGED PARTY/RESPONDENT

By: (b) (6), (b) (7)(C)

Title: (b) (6), (b) (7)(C)

Date: 8/3/2021